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MAIL STOP PCT

Attorney Docket No.: 27184U

Date: May S, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

HAEFNER, et al.

Art Unit: Unknown

Examiner: Unknown

Appl. No.: 10/568,816

Filed: February 21, 2006

Intl. Appl. No.: PCT/EP2004/051947

Intl. Filing Date: August 27, 2004

For: **USE OF SURFACTANT PREPARATIONS FOR THE TREATMENT OF SURGICAL ADHESIONS**

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Information Disclosure Statement;
- 2) PTO Form-1449 with 17 cited References, and copies for 16 of the 17 cited References.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

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Alexandria, VA 22314

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SURGICAL ADHESIONS**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

[XXX] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

[ ] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

[ ] ii. a check in the amount required by 37 C.F.R. 1.17(p).

☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.  
☐ Certification report(e) below; and  
☐ a check in the amount as required by 1.17(p).

☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:


and / or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

  
\_\_\_\_\_  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

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FORM PTO-1449

**INFORMATION DISCLOSURE CITATION**In re Application of:  
HAEFNER, et al.Art Unit:  
UnknownAppl. No:  
10/568,816Filed:  
February 21, 2006Examiner:  
Unknown**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue / Publication Date	Inventor	Filed
A1	6,133,249 (corresponds to WO 97/22345)	17 Oct. 2000	Hills	19 Dec. 1996

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Publication Date	Country	Translation
A2	1 069 902 B1	24 Jan. 2001	EP	N/A
A3	02/17878 A1	7 Mar. 2002	WO	N/A
A4	03/000344 A1	3 Jan. 2003	WO	N/A
A5	91/12026 A1	22 Aug. 1991	WO	N/A
A6	99/51244 A1	14 Oct. 1999	WO	N/A
A7	99/32151 A1	1 Jul. 1999	WO	N/A
A8	00/47623 A1	17 Aug. 2000	WO	N/A
A9	03/033014 A2	24 Apr. 2003	WO	Abstract

**OTHER**

Examiner Initial	(Including Author, Title, Date, Pertinent Pages, etc.)
A10	Gregory, T.J., et al., "Bovine Surfactant Therapy for Patients with Acute Respiratory Distress Syndrome", <u>Am J Respir Crit Care Med</u> , vol. 155 pp. 1309-1315, (1997).
A11	Walmrath, D., et al., "Bronchoscopic Surfactant Administration in Patients with Severe Adult Respiratory Distress Syndrome and Sepsis", <u>Am J Respir Crit Care Med</u> , vol. 154, pp. 57-62, (1996).
A12	Lachmann, B., et al., "Exogenous surfactant therapy in adults", <u>Atemw.-Lungenkrkh.</u> , vol. 19, no. 12, pp. 581-591, (1993).
A13	DeCherney, A.H., et al., "Clinical Problem of Intraperitoneal Postsurgical Adhesion Formation Following General Surgery and the Use of Adhesion Prevention Barriers", <u>Surgical Clinics of North America</u> , vol. 77, no. 3, pp. 671-688, (1997).
A14	Chen, Y., et al., "Surgical Adhesions: Evidence for Adsorption of Surfactant to Peritoneal Mesothelium", <u>Aust NZ Journal Surg</u> , vol. 70, pp. 443-447, (2000).
A15	Bhandarkar, D.S., et al., "Spray of Phospholipid Powder Reduces Peritoneal Adhesions in Rabbits", <u>Aust NZ Journal Surg</u> , vol. 69, pp. 388-390, (1999).

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

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Unknown**OTHER**Examiner  
Initial

(Including Author, Title, Date, Pertinent Pages, etc.)

A16

Fainerman, V.B., et al., "The Maximum Bubble Pressure Tensiometry", Studies Interface Science, vol. 6, pp. 279-326, (1998).

A17

Häfner, D., et al., "Comparison of rSP-C surfactant with natural and synthetic surfactants after late treatment in a rat model of the acute respiratory distress syndrome", British Journal of Pharmacology, vol. 124, pp. 1083-1090, (1998).

A18

A19

A20

A21

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A26

Examiner

Date Considered

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